

### **REMARKS/ARGUMENTS**

Claims 1-6, 8-32, 35-36, 38-49, 51-53, 55, 57-70, 72, 74-76, 78-90, 92-94, and 96 are pending in this application, with claims 1, 16, and 57 being the only independent claims. Claims 1, 3, 4, 16, 29, 35, 36, 41, 57, 69, 74, 75, and 81 are amended. Claims 7, 15, 33, 34, 37, 50, 54, 56, 71, 73, 77, 95, and 97 are canceled without prejudice or disclaimer. Reconsideration of the above-identified application, as herein amended and in view of the following remarks, is respectfully requested.

#### **Rejection of claims under 35 U.S.C. §101**

Claims 18-56 and 59-97 stand rejected under 35 U.S.C. §101 because the Examiner alleges that the claimed invention is not supported by a specific and substantial asserted utility or a well established utility. Regarding this rejection, the Examiner states that applicant should provide evidence to support the assertion that the device can provide utility for the claimed modes of treatment.

Submitted concurrently herewith is a declaration by inventor Dr. Marvin Sackner which provides evidence of utility of the claims rejected by the Examiner under 35 U.S.C. §101. Since the utility of the claims is now shown, the rejection under 35 U.S.C. §101 should now be withdrawn.

#### **Rejection of Claims under nonstatutory double patenting**

Claim 16 stands rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 45, 46, 62, 63, or 64 of U.S. Patent No. 7,111,346. A terminal disclaimer is file concurrently herewith to obviate this rejection.

**Rejection of claims under 35 U.S.C. §§102 and 103**

Claims 57-97 stand rejected under 35 U.S.C. §102 as anticipated by U.S. Patent No. 3,654,918 (Blok).

Claims 1-56 stand rejected under 35 U.S.C. §103 as being unpatentable over U.S. Patent No. 3,654,918 (Blok) in view of U.S. Patent No. 2,641,252 (Hemming).

Independent claim 1 is amended to recite “wherein said drive module comprises a displacement module for inducing periodic acceleration to the subject by moving the drive module in a line parallel to the planar surface of the support”, “the movement of the drive module having a force in a range of about 0.1g to about 0.4g such that the motion platform adds pulses to the fluid filled channels of the body of the subject” and “the displacement module being connected to said box frame only through said drive module, whereby said displacement module is not directly connected to said box frame”. Support for these limitation are found in original claim 7, paragraphs 0006-0021, and Figs. 2A and 2B of the specification as originally filed. The original limitation reciting "a footboard connected at the foot end of the planar surface, said footboard rising perpendicularly to the planar surface and having cast shoes for securing the feet of the subject to the support", has been canceled from the independent claim 1.

Blok discloses equipment for aiding cardiovascular circulation which is referred to as a Bash table. The purpose of Bash tables is to assist the function of the heart (see col. 1, lines 5-6, of Blok). The equipment disclosed by Blok includes a stationary frame 10 and a reciprocating table 30 connected to the frame by a spring suspension system (col. 2, lines 35-37 and lines 44-47). A servomotor 40 secured to a mount 42 reciprocates the table 30 by a piston rod 44 connected to table braces 46, 48 (col. 2, lines 55-58). The mount 42 is fixed to the frame 10 and the braces 46, 48 are fixed to the table 30 (col. 2, lines 60-61). Since the servomotor 40

of Blok is connected directly to the frame by mount 42, Blok fails to teach or suggest "the displacement module being connected to said box frame only through said drive module, whereby said displacement module is not directly connected to said box frame", as now expressly recited in independent claim 1.

Hemming fails to teach or suggest what Blok lacks. Hemming discloses a therapeutic table for supporting a patient in a supine position and to move the patient back and forth to produce a massaging effect. Hemming shows a base support 10 and a table 12 mounted thereon for longitudinal sliding movement (see col. 1, lines 29-35 of Hemming). An actuator 16 is mounted in the support 10 and is movable in the same direction as the table 12 (col. 1, lines 35-39). The actuator 16 has a device 18 adapted to be removably fastened to the feet of the patient (col. 1, lines 39-41). Means for actuating the table 12 includes a motorized device with pusher bars 88, 90 fastened to the actuator 16 (col. 2, line 54 - col. 3, line 11). As the actuator 16 operates, the feet of a patient lying on the table 12 are pushed and pulled by the actuator and the patient is moved by frictional engagement with the table 12 (col. 3, lines 52-56). Hemming further discloses that 19 complete reciprocations per minute is the preferred frequency (col. 3, lines 21-24). The motorized device which drives the pusher bars 88, 90 is mounted directly to the support 10. Accordingly, the combined teachings of Blok and Hemming fail to teach or suggest "the displacement module being connected to said box frame only through said drive module, whereby said displacement module is not directly connected to said box frame", as now expressly recited in independent claim 1.

Blok discloses a device that induces acceleration that is opposite to or in the direction of blood flow from the heart. Therefore Blok discloses that the acceleration is induced at the same rate as the heartbeat of the patient. The g-forces are not specifically disclosed in

Blok. Hemming discloses that the table is designed to provide a massage and suggests 19 cycles per minute, also with an undisclosed g-force. Since neither Blok nor Hemming disclose any specific acceleration force to be generated by the motion, the combined teachings of Blok and Hemming fail to disclose, teach, or suggest a movement having “a force in a range of about 0.1g to about 0.4g such that the motion platform adds pulses to the fluid filled channels of the body of the subject”, as now recited in independent claim 1.

For all of the above reasons, it is respectfully submitted that independent claim 1 is allowable over the prior art of record.


Independent claims 16 and 57 are amended to include limitations that are similar to the above-cited limitations of independent claim 1. Accordingly, independent claims 16 and 57 are allowable over the prior art of record for the same reasons as is independent claim 1.

Dependent claims 2-6, 8-15, 17-32, 35-36, 38-49, 51-53, 55, 58-70, 72, 74-76, 78-90, 92-94, and 96 are allowable for the same reasons as the independent claims on which they respectively depend, as well as for the additional recitations contained therein.

The application is now deemed to be in condition for allowance and notice to that effect is solicited.

Should the Examiner have any comments, questions, suggestions, or objections, the Examiner is respectfully requested to telephone the undersigned in order to facilitate reaching a resolution of any outstanding issues.

Respectfully submitted,  
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